



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 18, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0229

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion	Not Sustained - Lawful and Proper (Expedited)
# 2	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged Named Employees #1, #2, and #3 (NE#1, NE#2, and NE#3) failed to take proper enforcement action with respect to his ex-spouse (Community Member #1 or CM#1) and his daughter (Community Member #2 or CM#2). The Complainant alleged the named employees should have arrested CM#1 for a Texas warrant and done more to reunite him with CM#2. The Complainant further alleged the named employees' inaction was based on CM#2's race.



ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees involved in this case.

On June 29, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On May 25, 2023, NE#3—a lieutenant—submitted a complaint to OPA via Blue Team on behalf of the Complainant. NE#3 wrote that the Complainant lives in Dallas, Texas, and CM#2 was relocated to Seattle by CM#1, who has full custody of CM#2. NE#3 wrote that the Complainant worked with the Dallas County Sheriff's Department (DCSD) and a warrant was issued for CM#1's arrest for failing to appear in court for a custodial interference case. NE#3 wrote that the Complainant urged SPD to arrest CM#1 and give him CM#2. NE#3 wrote that NE#1 and NE#2—employees from the Domestic Violence (DV) Unit—determined there was insufficient information on the warrant to arrest CM#1 and give CM#2 to the Complainant without a writ. NE#3 wrote that the Complainant was directed to work with DCSD while SPD would maintain a support role for DCSD. NE#3 wrote that the Complainant alleged the named employees engaged in bias-based policing by failing to arrest CM#1 and failing to give CM#2 to him based on CM#2's race.

OPA opened an intake investigation. During its investigation, OPA reviewed the OPA complaint and incident and supplement reports. OPA contacted the Complainant to arrange an interview with him, but the Complainant wanted to communicate via email only. The Complainant's emails included allegations consistent with the information documented in NE#3's OPA complaint.

Witness Officer #1 (WO#1) wrote an incident report. WO#1 wrote that on March 6, 2023, at 7:46 PM, he was dispatched to CM#1's apartment to perform a welfare check on CM#2. WO#1 wrote that he met CM#1, who said the Complainant used the police to harass her and refused to let officers see CM#2. WO#1 wrote that he called the Complainant, who asked why officers could not force CM#1 to show them CM#2 and said that CM#1 had a felony warrant out of Texas. WO#1 wrote that he told the Complainant that there was no exigency or reason to believe CM#2 was in immediate danger. WO#1 wrote that another officer located the warrant, determined it was extraditable, and confirmed the warrant with DCSD. WO#1 wrote that officers attempted to contact CM#1 again but were unable to access the apartment building. WO#1 wrote that officers notified Child Protective Services (CPS) of the situation.

NE#2 wrote a supplement report. NE#2 wrote that she was assigned the custodial interference case on March 9, 2023, and that she was "assigned as an assist to [DCSD]." NE#2 wrote that, on March 23, 2023, DCSD verified the warrant was extraditable, but the warrant was "unclear on returns" and had "no bail amount." NE#2 wrote that the warrant had "[n]o listed instructions on what to do with the child" and "[did not] even list her name." NE#2 wrote that, on April 12, 2023, she screened the case with NE#1 and noted that there were "no crimes to refer to" the King County Prosecuting Attorney's Office (KCPAO). NE#2 wrote, "It was determined that Seattle PD is an assist role and it is dependent on coordination from the originating agency." NE#2 wrote that, on May 12, 2023, she screened the case with NE#3, who determined NE#2 needed more information from DCSD. NE#2 wrote that, on May 16, 2023, a DCSD detective called her and told her the following information: (1) custodial interference cases begin civilly but become criminal when there is a lack of cooperation from a parent, like when CM#1 took CM#2 out of state; (2) there is partial custody between the Complainant and CM#1; (3) there were concerns, based on child abuse allegations, that CM#2



could be harmed, though there was no belief that CM#2 faced imminent harm, bodily injury, or death; and (4) the DCSD detective encouraged the Complainant to go to Seattle and file a writ¹ in family court to get CM#2 back, but the Complainant did not follow through on this advice. NE#2 wrote, “SPD would assist in the future with more information or act on the felony warrant for [CM#1] if she is contacted.”

NE#2 summarized her investigation on May 16, 2023. NE#2 wrote, among other things, “[T]here are issues with the Dallas PD warrant: does not list name of child, amount of bail, or dad’s phone number. Because there is no associated name of child or instructions on taking the child into custody, responding officers would not have any authority to take [CM#2] or have knowledge of which of [CM#1’s] three kids the custodial interference is for. The only police authority is the extraditable warrant for [CM#1] out of Texas.” NE#2 also wrote, “After discussing the case with [NE#1] and [NE#3], it was confirmed this case warrants no other investigative action by the Domestic Violence Unit. There are currently no new charges to refer to KCPAO.”

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion

The Complainant alleged NE#1 used unreasonable discretion.

Policy states, “Employees are authorized and expected to use discretion in a reasonable manner consistent with the mission of the department and duties of their office and assignment.” SPD Policy 5.001-POL-6. Policy further states, “Discretion is proportional to the severity of the crime or public safety issue being addressed.” *Id.*

Here, NE#1 assigned the custodial interference case to NE#2. NE#1 screened NE#2’s investigation. NE#1 also emailed the Complainant, notifying him that SPD had limited authority on this case.

For the same reasons at Named Employee #2 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #1 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#1 engaged in bias-based policing.

SPD policy prohibits biased policing, which it defines as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatment based on the race of the subject. *See id.* Officers are forbidden from both (1) making decisions or taking actions influenced by bias, and (2) expressing any prejudice or derogatory comments concerning personal characteristics. *See* SPD Policy 5.140-POL-2.

¹ A “writ” is a type of court order that compels the production of a person before the court.



Here, NE#1 was in a supervisory role who screened NE#2's investigation.

For the same reasons at Named Employee #2 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #2 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion

The Complainant alleged NE#2 used unreasonable discretion.

Here, NE#2 was assigned to investigate the custodial interference case. NE#2 documented her investigative steps in her supplement report, which was thorough. NE#2 contacted the Complainant, CPS, DCSD officers, NE#1, and NE#3. NE#2's investigation uncovered the following facts: (1) SPD had no investigatory standing in this case because the alleged crime occurred in Dallas, Texas, which was why DCSD was the agency handling this case; (2) the warrant for CM#1's arrest was problematic because it did not include the name of the child, the amount of bail, the Complainant's standing regarding custody, and the boundaries set as to extradition limits; (3) there was no exigent need to remove CM#2 from CM#1's apartment due to a lack of imminent threat of harm to CM#2; and (4) SPD had no probable cause to arrest CM#1 or any legal authority to remove CM#2 from CM#1's custody.

NE#2's discretion was constrained because the warrant contained insufficient information and DCSD did not proactively pursue this case. Thus, NE#2 determined that SPD was in a support role dependent on coordination from DCSD. While the Complainant was not satisfied with NE#2's constrained discretion, a DCSD detective advised him of another legal recourse—to go to Seattle to file a writ in family court to get CM#2 back. NE#2 screened this case with NE#1 and NE#3, who both did not object to NE#2's course of action. Under these circumstances, NE#2 exercised reasonable discretion.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #2 – Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#2 engaged in bias-based policing.

The Complainant said, "I truly believe if my daughter was white with an abusive mother with a Felony warrant Seattle PD would have been resolved the issue." However, there is no evidence to suggest that NE#2 considered CM#2's race during her investigation. NE#2 documented all her contacts with the Complainant, CPS, DCSD officers, NE#1, and NE#3 that spanned nearly two months. NE#2's supplement report did not allude to CM#2's race. Instead, NE#2's supplement report included information about the warrant, DCSD's investigation, and the factual circumstances regarding the custody dispute between the Complainant and CM#1. NE#2 also screened her investigation with NE#1 and NE#3, but no bias-based allegations were ever raised.



Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #3 – Allegation #1

5.001 – Standards and Duties, 5.001-POL-6. Employees May Use Discretion

The Complainant alleged NE#3 used unreasonable discretion.

Here, NE#3 screened NE#2's investigation.

For the same reasons at Named Employee #2 – Allegation #1, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

Named Employee #3 - Allegation #2

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged NE#3 engaged in bias-based policing.

Here, NE#3 screened NE#2's investigation.

For the same reasons at Named Employee #2 – Allegation #2, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**